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State Board of Marriage and Family  
Therapy Examiners

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**FILED**  
*July 20, 2012*  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE STATE BOARD OF  
MARRIAGE AND FAMILY THERAPY  
EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE	:	
OF	:	
	:	
	:	Administrative Action
	:	
Heather DeVenuto	:	
License No. 37PC00405100	:	PROVISIONAL ORDER
	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE AS A PROFESSIONAL	:	
COUNSELOR IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the Professional Counselor Examiners Committee (hereinafter the "Committee") of the New Jersey State Board of Marriage and Family Therapy Examiners (the "Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law

are made:

#### FINDINGS OF FACT

1. On March 11, 2010, Heather A. DeVenuto (hereinafter "Respondent") was issued a license as a professional counselor. (Exhibit A, L2K printout, attached hereto and made a part hereof.)

2. On March 28, 2011, respondent was arrested by the Paramus Police Department for Shoplifting in violation of N.J.S.A. 2C:20-11B. The Board also received information that on May 11, 2011, respondent was found guilty of Improper Behavior in connection with her March 28, 2012 arrest, and assessed \$416.00. (Exhibit B, L2K Printout with arrest information)

3. On May 20, 2011, respondent was arrested by the Paramus Police Department for Shoplifting in violation of N.J.S.A. 2C:20-11B(2). (See Exhibit B, L2K printout)

4. On January 5, 2012, respondent was arrested by the West Milford Police Department for Attempt to Elude Police in violation of N.J.S.A. 2C:29-2B, Resisting Arrest, in violation of N.J.S.A. 2C:29-2A(3), and Assault on Police, in violation of N.J.S.A. 2C:12-1B(5)(A). (Exhibit C, Flagging, Criminal History Review Unit, Division of Consumer Affairs, attached hereto and made a part hereof) The Committee also received information that on May 21, 2012, respondent was found guilty of Assault on Police and Attempt to Elude Police. (See Exhibit B, L2K Printout)

5. On January 20, 2012, respondent was arrested by the

Rockaway Township Police Department for Shoplifting, in violation of N.J.S.A. 2C:20-11. (Exhibit D, Flagging, Criminal History Review Unit, Division of Consumer Affairs, attached hereto and made a part hereof)

6. On February 16, 2012 respondent was found guilty of Shoplifting in connection with her January 20, 2012 arrest, and assessed a penalty of \$664.00 (Exhibit E, Flagging, Criminal History Review Unit, Division of Consumer Affairs)

7. On June 6, 2011, the Executive Director of the Committee requested that respondent submit a narrative statement, as well as other documents, regarding her May 2011 arrest. The letter was sent by certified mail to respondent's address of record. (Exhibit F, Committee's first request for information) To date, no response has been received.

8. On March 28, 2012, the Executive Director of the Committee sent respondent a second request for information regarding her May 2011 and January 2012 arrests. The letter was sent via certified mail to her address of record. (Exhibit G, Committee's second request for information) To date, no response has been received.

9. On May 23, 2012, respondent was directed to appear before the Committee on June 7, 2012 for an investigative inquiry to discuss her arrest history. (Exhibit H, Appearance Letter) Respondent failed to appear before the Committee.

10. On June 19, 2012, the Board received information that respondent was terminated from a group practice in West Milford, New Jersey after allegedly admitting that she had falsified client signatures on office paperwork.

#### CONCLUSIONS OF LAW

Respondent's conduct, in failing to respond to the Board's letters of inquiry and its letter directing her to appear constitute a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, 1.3, in violation of N.J.S.A. 45:1-21(e), subjecting respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h). Respondent's convictions for assault and shoplifting constitute crimes or offenses involving moral turpitude or relating adversely to the activity regulated by the Board, in violation of N.J.S.A. 45:1-21(f).

ACCORDINGLY, IT IS on this 20<sup>th</sup> day of July, 2012,  
ORDERED that:

1. Respondent's license to practice professional counseling in the State of New Jersey is hereby provisionally suspended until such time as respondent cooperates fully with the Board's investigation by providing the Board with the information requested in its letters of inquiry, and appearing before the Board as directed to discuss her criminal history and the recent consumer complaint against her.

2. Respondent shall provisionally refrain from practicing as a professional counselor and shall not represent herself as a professional counselor until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

3. The within order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Terri Goldberg, Acting Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that Respondent's submissions establish a

need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

6. Nothing herein shall preclude the Board from investigating or taking action regarding the convictions detailed herein or the conduct that gave rise to respondent's termination.

By:

William F. Green M.S. LRC  
William F. Green, M.S., LRC  
Chair